

CASE NO.: 1088.007
Serial No.: 10/676,592
October 15, 2004
Page 6

PATENT
Filed: October 1, 2003

Remarks

Reconsideration of the above-captioned application is respectfully requested. All previously pending claims (1-19) have been rejected under 35 U.S.C. §103 as being unpatentable over Quinell (USPN 4,610,622) in view of Straitz, III (USPN 3,822,985) and Berlie et al. (USPN 4,392,816).

To overcome the rejections, Claim 1 now recites a first flow alteration assembly juxtaposed with the methane riser to selectively establish a fluid flow through the assembly, and a second flow alteration assembly positioned within the methane riser as shown in Figure 5 and described at the bottom of page 7 continuing to page 8. Claims 2, 3, and 5 have been amended in consonance with the amendment to Claim 1, and Claim 4 has been canceled.

Claims 6 and 15 and new Claim 20 now specify that the louver operating member can be operated in response to a computer signal as disclosed on page 7, second full paragraph. Claim 7 has been amended to recite plural sets of spuds, support for which can be found in Figure 6, and Claim 8 has been rewritten in independent form. Claim 16 recites that a person can move the louver operator as disclosed on page 5, second full paragraph. Claims 1-3 and 5-20 are pending.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

Analysis of Rejections Under 35 U.S.C. §103

The rejections do not allege that the second flow restrictor formerly set forth in Claim 4 and now set forth in Claim 1 is present in the references, and in fact it is not. This is more than mere duplication of

1088-7.AMD

CASE NO.: 1088.007
Serial No.: 10/676,592
October 15, 2004
Page 7

PATENT
Filed: October 1, 2003

parts. One flow restrictor in Claim 1 is in the riser, the other surrounds it, providing a cooperation of structure that would not be achieved by duplicating the relied-upon restrictor of Berlie et al., which is either inside the riser or outside the riser but not both. The rejection has been overcome.


The limitation of independent Claims 11 and 17 that the louvers must be movable has not been alleged in the rejection to be present in the references, nor is it. The relied-upon elements 17 of Berlie et al. are fixed at 45°, col. 3, lines 5-10. The rejections of these claims are overcome.

Perforce, no suggestion is present in the relied-upon references to move the louvers using a computer signal (Claims 6, 15, and 20) or by hand (Claim 16). The rejections of Claims 6, 15, and 16 are overcome.

The limitation of Claim 8 has not been addressed, and in fact the relied-upon elements 35 of Straitz, III initially rise vertically as shown in Figure 3, the opposite of lying along a radius of the methane riser as recited in Claim 8. The rejection of Claim 8 has been overcome.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

1088-7.AM1)